



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/123,486 07/28/98 BINDER

Y 1332/1

EXAMINER

WM02/0117

MARK FRIEDMAN LTD
C O ANTHONY CASTORINA
2001 JEFFERSON DAVIS HIGHWAY
SUITE 207
ARLINGTON VA 22202

TRAN. M

ART UNIT

PAPER NUMBER

2664

DATE MAILED:

01/17/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/123,486

Applicant(s)

BINDER

Examiner
Maikhanh Tran

Group Art Unit
2664



☒ Responsive to communication(s) filed on Nov 9, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-3 and 5-59 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 53-55 is/are allowed.

☒ Claim(s) 1-3, 5-10, 12-22, 27, 28, 31, 35-40, 42-47, 52, and 56-59 is/are rejected.

☒ Claim(s) 11, 23-26, 29, 30, 32-34, 41, and 48-51 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2664

Response to Arguments

Applicant's arguments filed on 11/9/2000 have been fully considered but they are not persuasive.

- In page 7, the applicant states that Markkula , Jr. et al fail to teach the limitation of part (a): each of said electrically-conducting media interconnects no more than two of said serial intelligent cells. The Examiner disagree with the Applicant.

Markkula , Jr. et al, in fig. 5, show that each of said each of said electrically-conducting media interconnects no more than two of said serial intelligent cells, for instance, the media 59 interconnects two cells 60 and 61 (it meets the claimed limitations in parts (a), (b) and (c), likewise for other cells (see col. 7, lines 36-39).

In page 9, the Applicant states that Markkula et al fail to teach part (d):

each of said at least one communicating pair is operative to engage in said communication bidirectionally and independently of the communication of any other of said at least one communicating pair. The Examiner believe that the teaching in Markkula et al do support this limitations. First of all, the meaning of "bidirectional communication" is two-way communication. Markkula et al encompasses this limitation. Secondly, in Markkula et al, col. 7, lines 25-27 states that contention/interference occurs only when 2 or more cells attempt to transmit a broadcast on the same subchannel at the same time. In col. 7, lines 63-67, Markkula et

Art Unit: 2664

al teach that interference do not occur when two cells communicate to each other on different channels/subchannels (i.e., the cell can communicate bidirectionally and independently of the communication of other cells).

Therefore the previous rejections on claims 1-3, 5-10, 12-17, 19-22, 28,31, 35-40, 42-44, 46 and 47 are appropriate and stand.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-10, 12-17, 19-22, 27- 28,31, 35-40, 42-44, 46 and 47, 52, 57 and 59 are rejected under 35 U.S.C. 102(b) as being anticipated by Markkula Jr. et al (US 4,918,690).

- As to claims 1-3, Markkula, Jr. et al, in figs. 1, 10, summary and col. 3, line 61 - col. 5, line 40, show a local area network as claimed.

- As to claims 5-6 and 35-36, Markkula, Jr. et al teaching encompasses the claimed limitations (see Appendix C in col. 86).

- As to claims 7 and 37, Markkula, Jr. et al teaching encompasses the claimed limitations (see col. 61, line 52- col. 62, line 6).

Art Unit: 2664

- As to claims 8 and 38, each cell in Markkula, Jr. et al is powered from an electrical power main (power supply).
- As to claims 9 and 39, in Markkula, Jr. et al, each cell can deliver electrical power.
- As to claims 10 and 40, in Markkula, Jr. et al, the electrically-conducting media is used to carry both local area network data and electrical power.
- As to claims 12-13, it is inherent that in Markkula, Jr. et al, at least one cell is housed within a telephone outlet, and said outlet allows connections to telephone services and to the local area network (see Appendix C in col. 86).
- As to claims 14-15 and 42, in Markkula, Jr. et al, cell 21 is housed within an electrical outlet that allows connections to electrical power and to the local area network (see col. 4, lines 19-25).
- As to claims 16 and 43, see Appendix C in col. 86
- As to claims 17 and 44, in Markkula, Jr. et al, each cell includes an address (see col. 5, lines 1-2).
- As to claim 19, in Markkula, Jr. et al, each cell receives electrical power locally.
- As to claims 20, 22 and 46-47, in Markkula, Jr. et al, each cell receives electrical power via a dedicated power line/electrically-conducting media (see fig. 1).
- As to claims 21, 28 and 31, in Markkula, Jr. et al, each cell (20) comprises : a line interface, a modem (111), a control block (100); and a power supply (30), and each cell further comprises a communications interface (29) and a telephone interface (not shown).

Art Unit: 2664

- As to claims **27, 52, 57 and 59**, in Markkula, Jr. et al, each cell (20) comprises : a line interface, a modem (111), a control block (100); and a power supply (30), and each cell further comprises a communications/payload interface (29) and a sensor/actuator.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **18, 45, 56 and 58** are rejected under 35 U.S.C. 103(a) as being unpatentable over Markkula Jr. et al (US 4,918,690).

Markkula et al disclose the local area network as discussed in claims 1, 17 and 44.

Although Markkula et al do not clearly suggest how the address is assigned to the cell, manual and automatic address assignment is well known in the art. Either one or both techniques can be applied to communications systems appropriately.

Art Unit: 2664

Allowable Subject Matter

5. Claims 11, 23-26, 29-30, 32-34, 41, 48-51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 53-55 are allowed.

7. The following is an examiner's statement of reasons for allowance:

- As to claims 11 and 41, the prior art of the record fail to teach that the local area network data and electrical power are combined using FDM.

- As to claims 23-26, 32-34 and 48-51, the prior art of the record fail to teach the claimed limitations recited in claims 23-24, 29, 32-34 and 48-49.

- As to claims 53-55, the prior art of the record fail to teach that at least one of said cells is interconnected to a public telephone network interface; and at least one of said cells is connected to a high data rate connection whose bandwidth is multiplexed to at least one other of said cells.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2664

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Tran whose telephone number is (703) 308-7911. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (703) 305-4366. The fax phone number for this Group is (703) 308-9051.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.


Application/Control Number: 09/123,486

Page 8

Art Unit: 2664

Maikhanh Tran

January 12, 2001



WELLINGTON CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600